

Appl. No. 10/623,240
Amdt. dated January 4, 2006
Reply to Office Action of 11/02/2005

REMARKS

General

Pending in this patent application are Claims 1-20. Claims 1, 2, 8, 9, 13 and 18 have been amended and the remaining claims are original.

Specification

The Examiner stated that the applicant does not need the first heading of "Background of the Invention" when a heading of "Description of the Related Art" is present. Applicant thanks the Examiner for the suggestion and therefore, the "Background of the Invention" heading has been removed.

Claims

Rejections Under 35 U.S.C. 112

Claim 2 was rejected as being ambiguous in distinctly defining "said message unit rate" and "said monitored communication linkset." The Examiner stated that, "it has been assumed that the "said message unit rate" and "said monitored communication linkset" refer to the first reference of claim 1, and not the identified communication rate and linkset. Clarification is required."

Applicant agrees with the Examiner's assumption that the "said message unit rate" and "said monitored communication linkset" refer to the first reference of claim 1, and not the identified communication rate and linkset. Applicant believes such a clarification should obviate the 35 U.S.C. 112 rejection and respectfully requests that such rejection be obviated.

Rejections Under 35 U.S.C. 102

Claims 1-4, 6, 8-10, 12-16, and 18-19 were rejected under 35 U.S.C. 102 (b) as being anticipated by Kalkunte.

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Claim 1

Currently amended Claim 1 advantageously includes, among other elements, comparing a message unit rate on at least one of a plurality of monitored communication linksets at a network node to a predetermined overload threshold, wherein the predetermined overload threshold can be *separate for each of said plurality* of monitored communication linksets. In such a manner, a different threshold can advantageously be provided to every monitored linkset. Support for this limitation can be found at least on pages 4 and 9 of the pending patent application. A further amendment was made removing extra spaces between the word "linksets" and the semicolon.

Neither Kalkunte, nor any of the other cited art, disclose, teach, or suggest such a limitation.

Claim 2

Claim 2 was amended to better conform with the limitations of claim 1. More specifically, clarification was made toward "the at least one of a plurality of monitored communication linksets."

Claim 8

Currently amended Claim 8 advantageously includes, among other elements, comparing a message unit rate on each of a first set of monitored communication linksets at a network node to a respective predetermined overload threshold, wherein the predetermincd overload threshold can be *separate for each of said first set* of monitored communication linksets. In such a manner, a different threshold can advantageously be provided to every monitored linkset that comprise a first set. Support for this limitation can be found at least on pages 4 and 9 of the pending patent application.

Neither Kalkunte, nor any of the other cited art, disclose, teach, or suggest such a limitation.

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Claim 9

Currently amended Claim 9 advantageously includes, among other elements, for each of said determined communication linksets, incrementing a count element for each message unit received on respective determined communication linksets, wherein the predetermined overload threshold can be *separate for said first set* of monitored communication linksets *and for said second set* of monitored communication linksets. In such a manner, a different threshold can advantageously be provided to a first set and to a second set of monitored linksets. Support for this limitation can be found at least on pages 4 and 9 of the pending patent application.

Neither Kalkunte, nor any of the other cited art, disclose, teach, or suggest such a limitation.

Claim 13

Currently amended Claim 13 advantageously includes, among other elements, a monitor having an input for receiving message units for transmission on at least one of a plurality of monitored communication linksets of a network node and operable to determine a message unit rate for each of said monitored communication linksets, said monitor operable for comparing said message unit rate to a predetermined overload threshold, wherein said predetermined overload threshold can be *separate for each of* said monitored communication linksets. In such a manner, a different threshold can advantageously be provided to every monitored linkset. Support for this limitation can be found at least on pages 4 and 9 of the pending patent application.

Neither Kalkunte, nor any of the other cited art, disclose, teach, or suggest such a limitation.

Claim 18

Currently amended Claim 18 advantageously includes, among other elements, a monitor having an input for receiving message units for transmission on said plurality of communication linksets and operable to determine a message unit rate for at least one of said communication linksets, said monitor operable for comparing said message unit rate to a predetermined overload threshold, wherein a *separate predetermined overload*

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threshold can be assigned to each of said communication linksets coupled to said plurality of interconnected network nodes, and wherein a separate predetermined overload threshold can be assigned to each of said communication linksets coupled to said other network nodes. In such a manner, a different threshold can advantageously be provided to every monitored linkset coupled to a number of interconnected nodes and coupled to a number of other nodes. Support for this limitation can be found at least on pages 4 and 9 of the pending patent application.

Neither Kalkunte, nor any of the other cited art, disclose, teach, or suggest such a limitation.

Rejections Under 35 U.S.C. 103

Claims 5, 7, 11, 17, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kalkunte v. Zornig.

Comments

Per the aforementioned remarks, Applicant believes currently amended Claims 1, 2, 8, 9, 13 and 18 are in condition for allowance and respectfully request they be passed to allowance. Since Claims 3-7, 10-12, 14-17, and 19-20 depend respectively on currently amended Claims 1, 8, 13, and 18, which Applicant believes are in condition for allowance, Applicant believes dependent Claims 3-7, 10-12, 14-17, and 19-20 are in condition for allowance.

Conclusion

Applicant respectfully submits that Claims 1-20 are in condition for allowance and respectfully request they be passed to allowance.

If the Examiner has any other matters which pertain to this Application, the Examiner is encouraged to contact the undersigned to resolve these matters by Examiner's Amendment where possible.

JAN-04-2006 17:11
JAN-04-2006 17:48 From:

ALCATEL USA, INC.

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10:972 477 9328 P.1'1

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Respectfully Submitted,


Raffi Gostanian, Jr.
Reg. No. 42,595

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RG&Associates
1103 Twin Creeks
Allen TX 75013
972.849.1310